Amendments to the Claims: This listing of claims will replace all prior versions, and listings, of claims in the application

Listing of Claims:

1-4. (Canceled)

5. (Currently Amended) ~~The polyester of claim 1, the~~A polyester comprising a unit having the structural formula:

$$[-[A]_m-[B]-[A]_m-[D]-]_x$$

wherein A is a monomeric ring-opened lactone unit selected from the group consisting of L-lactide, glycolide, p-dioxanone, lactones of beta-hydroxy acids, lactones of gamma-hydroxy acids, lactones of delta-hydroxy acids, cyclic carbonates, depsipeptide and mixtures of any of these~~derived unit~~;

-B is ~~the initiating core~~a diol residue derived from a diol according to the formula HO-(R_1)-OH wherein R_1 is a member selected from the group consisting of C_2-C_{14} linear alkanediyl, substituted C_2-C_{14} alkanediyl having at least one substituent group, C_2-C_{14} branched alkanediyl and alkanediyl having at least one unsaturated bond;

-[[C]]D is a diacid residue~~the coupling unit~~; and

m is a number of repeats from about 4 to about 60, and x is a number ~~of macromeric units~~ from 1 to about 100.

6. (Original) The polyester of claim 5, wherein m is 10 to 40.

7. (Currently Amended) The polyester of claim 5, wherein A is represented by at least one of the formulas:

$$-[-(R_2)-C(=O)-O-]- \text{ and } -[-O-C(=O)-(R_2)-]-$$

wherein R_2 is at least one of C_1-C_8 ~~alkyl~~alkanediyl and a substituted C_1-C_8 ~~alkyl~~alkanediyl having at least one carbon substituted with an aromatic group and/or a heteroatom.

8. (Currently Amended) The polyester of claim 5, wherein the ~~at least two~~monomeric ring-opened lactone ~~derived~~ units constitute about ~~10%~~50wt% to about ~~99%~~99wt% of the polyester.

9. (Currently Amended) The polyester of claim 8, wherein the ~~at least two~~monomeric ring-opened lactone ~~derived~~ units constitute ~~50%~~80wt% to ~~99%~~99wt% of the polyester.

10. (Currently Amended) The ~~olyester~~polyester of claim 5, wherein ~~the lactone derived unit~~ $[A]_m$ has a number average molecular weight ~~of about 50~~ in a range from about 288 to about 12,000.

11. (Currently Amended) The polyester of claim 10, wherein the number average molecular weight is ~~50~~in a range from 288 to 6,000.

12. (Currently Amended) The polyester of claim 10, wherein the number average molecular weight is ~~50~~in a range from 288 to 2,000.

13. (Canceled)

14. (Currently Amended) The polyester of claim ~~513~~, wherein R_1 is a member selected from the group consisting of C_6, C_8, C_{10} and C_{12} ~~alkyls~~alkanediyls~~, a poly(ether), poly(ethyleneglycol), poly(amine), poly(propyleneoxide), a block ABA copolymer of poly(oxyethylene) and poly(oxypropylene)~~.

15. (Original) The polyester of claim 5, wherein D is represented by the formula:

$$[-C(=O)-(R_3)-C(=O)-]$$

wherein R_3 is a C_4-C_{10} aliphatic or aromatic group.

16. (Currently Amended) The polyester of claim 15, wherein R_3 is a member selected from the group consisting of C_4, C_6, C_8, and C_{10} ~~alkyls~~alkanediyls.

17. (Currently Amended) The polyester of claim ~~51~~, wherein the polyester has a molecular weight from about 20 KDa to about 120 KDa.

18. (Currently Amended) ~~A polyester comprising a macromeric unit, wherein the macromeric unit comprises:~~

~~(a) at least two lactone derived units;~~

~~(b) an initiating core, wherein a diol derived unit is linking the at least two lactone derived units to form a macromerdiol; and~~

~~(c) a coupling unit, wherein the coupling unit is linking a plurality of macromerdiols and wherein the coupling unit and the diol derived unit have a carbon chain of a length sufficient to alter hydrophobicity of the polyester and thereby enable the polyester to degrade~~The polyester of claim 5 wherein the polyester is capable of being degraded according to a ~~25~~ surface erosion mechanism.

19-21. (Canceled)

22. (Currently Amended) A process of making the polyester of claim ~~51~~, the process comprising:

providing a lactone;

providing a diol;

providing a coupling agent;

~~reacting~~contacting the lactone with the diol in ~~a~~the presence of a catalyst to form a macromerdiol; and ~~reacting~~contacting the macromerdiol with the coupling agent to form the polyester.

23. (Currently Amended) The process of claim 22, wherein the lactone and the diol are provided at a first molar ratio of from about 5:1 to about 120:1.

24. (Currently Amended) The process of claim 22, wherein the lactone and the diol are provided at a first molar ratio of about 5:1 to about 60:1.

25. (Currently Amended) The process of claim 22, wherein the ~~macrodiol~~macromerdiol and

the coupling agent are provided at a second molar ratio of about 1:1 to about 20:1.

26. (Currently Amended) The process of claim 22, wherein the catalyst is a member selected from the group consisting of ~~tin(II)~~tin(II)-2-ethylhexanoate, aluminum isopropoxide, salts and oxides of yttrium and lanthanide.

27. (Currently Amended) The process of claim 22, wherein the lactone is a member selected from the group consisting of ~~lactones of alpha-hydroxy acids~~L-lactide, glycolide, p-dioxanone, lactones of beta-hydroxy acids, ~~lactones of omega-hydroxy acids,~~ lactones of gamma-hydroxy acids, lactones of delta-hydroxy acids, ~~lactones of epsilon-hydroxy acids,~~ p-dioxanone, cyclic carbonates, depsipeptide~~optical isomers thereof, substituents~~ and mixtures thereof.

28. (Currently Amended) The process of claim 27, wherein the lactone is a member selected from the group consisting of L-lactide, ~~E-caprolactone,~~ propiolactone, butyrolactone, valerolactone, p-dioxanone, glycolide, ~~and~~ depsipeptide, and mixtures of these.

29. (Currently Amended) The process of claim 22, wherein the diol has the following structural formula:

$$HO\text{-}(R_1)\text{-}OH$$

wherein R_1 is a member selected from the group consisting of ~~a~~ C_2-C_{14} linear ~~alkyl~~alkanediyl, ~~a~~ substituted C_2-C_{14} ~~alkyl~~alkanediyl having at least one substituent group, ~~a~~ C_2-C_{14} ~~heteroalkyl~~alkanediyl, ~~a~~ C_2-C_{14} branched ~~alkyl~~alkanediyl, ~~an alkyl~~alkanediyl having at least one unsaturated bond, and ~~a~~ polymers.

30. (Currently Amended) The process of claim 29, wherein R_1 is a member selected from the group consisting of C_6, C_8, C_{10} and C_{12} ~~alkyls~~alkanediyl, ~~a~~ polyethers, poly(ethylene glycol), polyamines, poly(propylene oxide), and block ABA copolymers of poly(oxyethylene) and poly(oxypropylene).

31. (Original) The process of claim 22, wherein the coupling agent is an acyl halide.

32. (Currently Amended) The process of claim 31, wherein the coupling agent is a diacyl chloride derived from adipic acid, ~~suberoic~~suberic acid, sebacic acid, or ~~dodecanoic~~dodecanedioic acid.

33. (Currently Amended) A device manufactured from the polyester of claim ~~51~~.

34. (Original) The device of claim 33, wherein at least a part of the device is adapted to be implanted in a body.

35. (Original) The device of claim 33, wherein the at least a part of the device is adapted to deliver a bioactive agent.

36. (Currently Amended) The device of claim 35, wherein the bioactive ~~gent~~agent is a member selected from the group consisting of an antibody, a viral vector, a growth factor, a bioactive polypeptide, a polynucleotide coding for the bioactive polypeptide, a cell regulatory small molecule, a peptide, a protein, an oligonucleotide, a gene therapy agent, a gene transfection vector, a receptor, a cell, a drug, a drug delivering agent, nitric oxide, an antimicrobial agent, an antibiotic, an antimitotic, an antisecretory agent, an anti-cancer chemotherapeutic agent, steroidal and non-steroidal anti-inflammatories, a hormone, an extracellular matrix, a free radical scavenger, an iron chelator, an antioxidant, an imaging agent, and a radiotherapeutic agent.